

# Notice of Allowability

Application No.

09/919,835

Examiner

Christian L. Fronda

Applicant(s)

BATHE ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT filed 3/17/2005.
2. ☒ The allowed claim(s) is/are 11,14,15,17-22,25-31,38,42-58 and 61.
3. ☒ The drawings filed on 02 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Art Unit: 1652

### DETAILED ACTION

1. Claims 11, 14, 15, 17-22, 25-31, 38, 42-58, and 61 are under consideration in this Office Action.
2. Applicants' amendments and arguments filed on 3/17/2005 have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. Specifically, the examiner has withdrawn all previous rejections in view of extensive claim amendments. Said claim amendments have also overcome the examiner's previous rejection made under 35 U.S.C. 102(e).

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Cunningham on 03/21/2005.

4. The application has been amended as follows:

- Replace claim 17 with the following:  
"The process of claim 11, wherein the coryneform bacterium has one or more over-expressed polypeptide(s) encoded by at least one polynucleotide selected from the group consisting of:  
the lysC polynucleotide which codes for a feed back resistant aspartate kinase,  
the gap polynucleotide which codes for glyceroaldehyde 3-phosphate dehydrogenase,  
the pgk polynucleotide which codes for 3-phosphoglycerate kinase,  
the pyc polynucleotide which codes for pyruvate carboxylase,  
the tpi polynucleotide which codes for triose phosphate isomerase,  
the metA polynucleotide which codes for homoserine O-acetyltransferase,  
the metB polynucleotide which codes for cystathionine gamma-synthase,

Art Unit: 1652

the aecD polynucleotide which codes for cystathionine gamma-lyase,  
the glyA polynucleotide which codes for serine hydroxymethyltransferase, and  
the metY polynucleotide which codes for O-acetylhomoserine sulfhydrylase.”

- Replace claim 18 with the following:  
“The process of claim 11, wherein the coryneform bacterium has reduced expression of one or more polypeptide(s) encoded by at least one polynucleotide selected from the group consisting of:  
the thrB polynucleotide which codes for homoserine kinase,  
the ilvA polynucleotide which codes for threonine dehydratase,  
the thrC polynucleotide which codes for threonine synthase,  
the ddh polynucleotide which codes for meso-diaminopimelate D-dehydrogenase,  
the pck polynucleotide which codes for phosphoenol pyruvate carboxykinase,  
the pgi polynucleotide which codes for glucose 6-phosphate isomerase, and  
the poxB polynucleotide which codes for pyruvate oxidase.”

***Allowable Subject Matter***

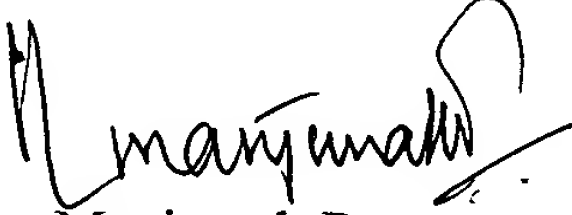
5. Claims 11, 14, 15, 17-22, 25-31, 38, 42-58, and 61 are allowed.
6. The following is an examiner's statement of reasons for allowance:  
Following a diligent search it was determined that prior art neither teaches nor suggests an isolated polynucleotide comprising the nucleic acid sequence of SEQ ID NO: 1 and an isolated polynucleotide encoding a polypeptide having the amino acid sequence of SEQ ID NO: 2.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L Fronda whose telephone number is (571)272-0929. The examiner can normally be reached Monday-Friday between 9:00AM - 5:00PM. If attempts to

Art Unit: 1652

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura N Achutamurthy can be reached on (571)272-0928. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian L. Fronda  
Patent Examiner  
Art Unit 1652



Manjunath Rao  
Primary Patent Examiner  
Art Unit 1652